

UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF MICHIGAN

In re:

BRIAN L. STOCKFORD,
Debtor.

Case No. DK 16-00191
Chapter 13
Hon. Scott W. Dales

In re:

DAVID R. WIRICK,
Debtor.

Case No. DK 16-00867
Chapter 13
Hon. Scott W. Dales

In re:

YOLANDA DENISE STEVENSON,
Debtor.

Case No. DK 16-00868
Chapter 13
Hon. Scott W. Dales

In re:

WILLIAM E. WILGUS and MARCELLA K.
WILGUS,
Debtors.

Case No. DK 16-00869
Chapter 13
Hon. Scott W. Dales

In re:

MOLLY K. DIEKHOFF,
Debtor.

Case No. DG 16-02012
Chapter 13
Hon. Scott W. Dales

In re:

RANDOLPH S. SHERWOOD and
ANGELA M. SHERWOOD,
Debtors.

Case No. DG 16-02059
Chapter 13
Hon. Scott W. Dales

In re:

DAVID E. COSSOU and PAULA S.
COSSOU,

Case No. DG 16-04484
Chapter 13
Hon. Scott W. Dales

Debtors.

/

In re:

WILLIAM R. BELONGA,

Debtor.

/

Case No. DM 16-90080
Chapter 13
Hon. Scott W. Dales

In re:

LARRY J. VINCENT and MARLENE R.
VINCENT,

Case No. DG 17-00198
Chapter 13
Hon. Scott W. Dales

Debtors.

/

In re:

MATTHEW J. BAUER and MARCIA J.
BAUER,

Case No. DK 17-00357
Chapter 13
Hon. Scott W. Dales

Debtors.

/

In re:

DEANGELO R. BAYLOCK,

Debtor.

/

Case No. DK 17-02244
Chapter 13
Hon. Scott W. Dales

In re:

COREY M. NORD,

Debtor.

/

Case No. DK 17-02245
Chapter 13
Hon. Scott W. Dales

In re:

CECIL H. MORRIS,

Debtor.

/

Case No. GK 16-00221
Chapter 13
Hon. John T. Gregg

In re:

NATALIE J. VITERNA,
Debtor.

/ Case No. GG 16-01041
Chapter 13
Hon. John T. Gregg

In re:

KENNETH P. CILLEY and ANN M. CILLEY,
Debtors.

/ Case No. GK 16-01352
Chapter 13
Hon. John T. Gregg

In re:

LARRY BROOKS,
Debtor.

/ Case No. GK 16-01555
Chapter 13
Hon. John T. Gregg

In re:

SHAUN R. JOHNSON,
Debtor.

/ Case No. GL 16-01556
Chapter 13
Hon. John T. Gregg

In re:

PENNY DRUISE SICARD,
Debtor.

/ Case No. GK 16-01673
Chapter 13
Hon. John T. Gregg

In re:

DIANA JEAN MIRABELLA,
Debtor.

/ Case No. GK 16-01674
Chapter 13
Hon. John T. Gregg

In re:

DUSTIN M. COLEMAN,
Debtor.

/ Case No. GL 16-02484
Chapter 13
Hon. John T. Gregg

In re:

JESSE W. CAMPBELL and MALINDA R.
BEAUCHAMP,

Debtors.

Case No. GL 16-02629
Chapter 13
Hon. John T. Gregg

In re:

TONY I. BREEDLOVE,

Debtor.

Case No. GL 16-02858
Chapter 13
Hon. John T. Gregg

In re:

RUSSELL G. SMITH,

Debtor.

Case No. GL 16-03020
Chapter 13
Hon. John T. Gregg

In re:

SANDRA K. FRAZIER,

Debtor.

Case No. GG 16-03097
Chapter 13
Hon. John T. Gregg

In re:

ADAM M. HOWARD and JENNIFER DAY-
HOWARD,

Debtors.

Case No. GG 16-03795
Chapter 13
Hon. Scott W. Dales

In re:

EZZARD C. ASKEW and LORIS ASKEW,

Debtors.

Case No. GL 16-05584
Chapter 13
Hon. John T. Gregg

In re:

KRYSTAL MARIE TATE,

Debtor.

Case No. GG 16-06382
Chapter 13
Hon. John T. Gregg

In re:

DEBRA DOREEN GRAHAM,
Debtor.

Case No. GK 16-06383
Chapter 13
Hon. John T. Gregg

In re:

LISA G. RICH,
Debtor.

Case No. GG 17-00884
Chapter 13
Hon. John T. Gregg

In re:

CHRISTOPHER KIGGINS and CYDNI
KIGGINS,
Debtors.

Case No. GK 17-00016
Chapter 13
Hon. John T. Gregg

In re:

JOHN E. SHERMAN, SR. and BETHANY
SHERMAN,
Debtors.

Case No. GL 17-00615
Chapter 13
Hon. John T. Gregg

In re:

WILLIAM R. HALL,
Debtor.

Case No. GL 17-01533
Chapter 13
Hon. John T. Gregg

In re:

BRADLEY HIEBERT,
Debtor.

Case No. GL 17-00903
Chapter 13
Hon. John T. Gregg

In re:

INGRID M. ABEN,
Debtor.

Case No. BG 16-00635
Chapter 13
Hon. James W. Boyd

In re:

MARK LOWE and SHERI L. LOWE,
Debtors.

Case No. BG 16-05880
Chapter 13
Hon. James W. Boyd

In re:

KIMBERLY SUE STEFFES,
Debtor.

Case No. BG 16-01040
Chapter 13
Hon. James W. Boyd

In re:

TODD ALAN BOWMAN and LISA MARIE
BOWMAN,
Debtors.

Case No. BT 16-02304
Chapter 13
Hon. James W. Boyd

In re:

MICHAEL D. O'BYRNE and
MARGARET A. O'BYRNE,
Debtors.

Case No. BG 16-03361
Chapter 13
Hon. James W. Boyd

In re:

MICHAEL ALAN SEELEY and STACEY
ANN SEELEY,
Debtors.

Case No. BT 16-04141
Chapter 13
Hon. James W. Boyd

In re:

RENEY C. KEMPTON,
Debtor.

Case No. BG 16-05486
Chapter 13
Hon. James W. Boyd

In re:

ANGELA MCELHINNY,
Debtor.

Case No. BG 17-01028
Chapter 13
Hon. James W. Boyd

In re:

TODD H. RITTER,

Debtor.

Case No. BT 16-04595
Chapter 13
Hon. James W. Boyd

In re:

JENNIFER ANN MOFFIT,

Debtor.

Case No. BT 16-05469
Chapter 13
Hon. James W. Boyd

In re:

KELLY J. COOPER,

Debtor.

Case No. BG 16-06022
Chapter 13
Hon. James W. Boyd

In re:

BRIAN LEE ELLIOTT,

Debtor.

Case No. BT 17-01029
Chapter 13
Hon. James W. Boyd

ORDER

On June 29, 2017, David G. Lutz¹ presented for filing with the Clerk of the United States Bankruptcy Court a document entitled “Verified Motion for Relief from Orders” (the “Verified Motion”). The Verified Motion bears a caption similar to that of the Suspension Order, rather than the caption of any specific bankruptcy case, and therefore may be read as seeking relief from the sanctions imposed by the United States District Court. On the other hand, the Verified Motion may also be read as seeking relief from recent decisions of the United States Bankruptcy Court

¹ The United States District Court recently suspended Mr. Lutz as a member of the bar of this Court. See Opinion and Order Imposing Suspension With Sanctions, Adm. Order 17-AD-064 (W.D. Mich. May 15, 2017) (the “Suspension Order”).

requiring Mr. Lutz to disgorge fees under 11 U.S.C. § 329. The document's intended audience is not clear.

Moreover, the Verified Motion fails to identify any particular case except by reference to several debtors' last names within an exhibit to the Verified Motion. *See Fed. R. Bankr. P. 9009; LBR 9004.* The improper caption (referring to the United States District Court and the disciplinary proceeding) and the omission of any specific bankruptcy case information constitute formal defects, at least insofar as Mr. Lutz seeks relief from the United States Bankruptcy Court. Although the Clerk is not generally authorized to reject formally defective petitions and other papers, Fed. R. Bankr. P. 5005(a)(1), the Court itself has this authority, and will exercise it.

Even forgiving these formal defects, the record does not establish that Mr. Lutz served the Verified Motion on interested parties who may be affected by the relief it seeks. *See Fed. R. Bankr. P. 9003.*² Therefore, the Court cannot grant the relief as Mr. Lutz requests in the Verified Motion consistent with basic notions of fairness and due process.

If Mr. Lutz intends to seek relief from the United States District Court's Suspension Order, he should file a motion with that court; if he intends to seek relief from orders entered in any of the above-referenced cases, he should file and serve an appropriate, particularized motion in each case in which he intends to challenge or modify a disgorgement order.

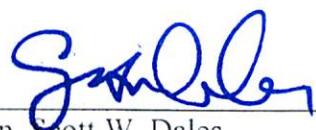
For the foregoing reasons, the Court will take no further action in response to the Verified Motion. The judges of this Court all concur. 28 U.S.C. § 154(a).

² Mr. Lutz arguably seeks relief affecting his former clients who are now entitled to refunds of all or some portion of fees they paid him in connection with their bankruptcy cases, yet he has not provided proof of service of the Verified Motion on those former clients, or even the United States Trustee who successfully sought the refunds on their behalf.

NOW, THEREFORE, IT IS HEREBY ORDERED that the Clerk shall refuse to accept the Verified Motion for filing, except that a copy of that document shall be entered for reference and record purposes only in the docket of *Corey M. Nord*, Case No. DK 17-02245.

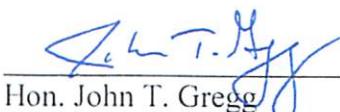
IT IS FURTHER ORDERED that the Clerk shall enter this Order in the docket of each of the above-referenced cases, and serve the same upon the United States Trustee and David G. Lutz by first class U.S. Mail.

Date: JUL 11 2017



Hon. Scott W. Dales
Chief United States Bankruptcy Judge

Date: 7-11-17



Hon. John T. Gregg
United States Bankruptcy Judge

Date: 5-8 11, 2017



Hon. James W. Boyd
United States Bankruptcy Judge